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## FISCAL IMPACT REPORT

SPONSOR Rodriguez DATE TYPED 3-9-05 HB \_\_\_\_\_

SHORT TITLE Require Public Toilet Hand Washing Facilities SB 538/aSPAC/aSFC

ANALYST Collard

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the Attorney General (AG)  
 Department of Health (DOH)  
 Health Policy Commission (HPC)

### SUMMARY

#### Synopsis of SFC Amendment

The Senate Finance Committee amendment to Senate Bill 538 strikes all Senate Public Affairs Committee amendments, restoring the bill to its original form.

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 538 allows the provision of an adequate supply of anti-bacterial sanitizing gel or sanitizing wipes near portable toilets in lieu of the hand washing facilities required by the original bill.

#### Significant Issues

The AG’s Office notes the original bill required portable hand washing facilities be provided in public locations “where portable toilets are required by law or ordinance”. This amendment would allow the use of sanitizing gel or wipes instead of hand washing facilities. However, neither the amendment nor the original bill states who is responsible for providing those facilities, gel or wipes.

DOH notes, by adding the provision of an adequate supply of anti-bacterial sanitizing gel or similarly treated sanitizing wipes, the amended bill would allow an effective, more convenient, less waste producing and potentially less expensive alternative to plumbed or hauled water, soap and single-use towels to be used in the setting of public locations with portable toilets.

## **TECHNICAL ISSUES**

HPC points out there is no effective date for this legislation. Additionally, HPC recommends defining “in close proximity.” How far can the hand-washing facilities be located from the portable toilets?

### Synopsis of Original Bill

Senate Bill 538 requires hand washing facilities be provided in public locations with portable toilets. Portable hand washing facilities with single-use towels and potable water would be required with at least one hand wash facility to every one-to-ten portable toilets in public locations where portable toilets are required by law or ordinance.

### Significant Issues

DOH indicates for generations, hand washing with soap and water has been considered a measure of personal hygiene. Having hand-washing facilities near portable toilets is a public health intervention to prevent the transmission of organisms and infection.

The AG’s Office notes the bill is silent as to who is responsible for providing the hand washing facilities, although presumably it is the same persons or entities authorizing or installing the portable toilets. This probably should be clarified. The bill does not define “public locations”. The bill implies that no portable hand washing facilities are required unless the portable toilets are “required by law or ordinance” at a specific location. The bill does not require hand washing facilities if required by “rule or regulation”. The law does not provide any penalties for non-compliance.

## **FISCAL IMPLICATIONS**

There is no appropriation attached to this bill and it is unclear how much hand-washing facilities would cost and who would be responsible for the cost.

## **OTHER SUBSTANTIVE ISSUES**

DOH research indicates as early as 1843, Oliver Wendell Holmes concluded that some forms of fever were spread by the hands of health personnel. Normal human skin is colonized with bacteria. Washing hands often with soap and water is recommended to prevent the transmission of the flu. Having hand-washing facilities near portable toilets is a public health intervention. The facilities have to be used properly. The availability of hand-washing facilities would eliminate one possible barrier to adequate hand washing to prevent transmission of infectious disease.

## ALTERNATIVES

DOH suggests the bill could allow for substituting alcohol based hand “sanitizing” gels for potable water and single use towels.

DOH notes recent findings in the use of alcohol based hand “sanitizing” gels show that they may provide a cost effective, less cumbersome way to cleanse hands in and around portable toilets. One study described the gels as having “high anti-microbial efficacy and ease of use” and found a 30.4 percent decrease in infection rates in the extended care facility where caregivers used the gels for a 34 month period.

In the elementary school setting, use of alcohol hand sanitizing gels resulted in an overall reduction in absenteeism due to infection. Research from Children's Hospital Boston's Division of Infectious Diseases showed that using alcohol-based hand sanitizer gel significantly reduces the spread of gastrointestinal illnesses. When presenting the study at a national conference, the researcher was quoted, “Using hand sanitizer can be an alternative to soap and water when a sink isn't convenient.”

The AG's Office suggests the bill could define “public locations” and require portable hand washing facilities at all such locations where portable toilets are placed, regardless of whether those toilets are required at those locations by law or ordinance. The bill could also require the toilet provider to furnish the hand washing facilities, and provide penalties for failure to do so.

**KBC/sb:yr:lg**